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ABSTRACT

This document outlines processes necessary for the identification of and the educational planning for limited English proficient students who may be eligible for special education programs in Michigan. The importance of avoiding inappropriate referrals and misdiagnoses due to misinterpretation of cultural and linguistic diversity is stressed. The process involved in determining student placement encompasses seven steps: child study team consultation, referral, evaluation, meeting to develop the individualized education plan (IEP), delivery of programs and services, IEP annual review, and 3-year reevaluation. This guide outlines procedures for pre-referral; referral; evaluation, focusing on language proficiency and dominance, determination of the influences of cultural differences, utilizing translators/interpreters, assessing academic functioning levels of the student in both languages, assessing affective and behavioral components related to the suspected handicap, and special education assignment; continuum of services in both special education and bilingual or English as a second language programs; instructional techniques; and funding sources. (JDD)

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FOREWORD

The Michigan Department of Education is pleased to present this document to be used by educators throughout the state for the enhancement of instructional programs for limited English proficient students who may be in need of special education programs and services.

There is a rapid increase of students from other countries attending Michigan schools. These students collectively speak more than 70 languages. This document is written to meet the needs of these students who may be in need of special education programs and suggestions.

ACKNOWLEDGMENTS

The Michigan Department of Education, Special Education Services, and the Bilingual Office of School Program Services, sincerely appreciate the assistance of the individuals who contributed to the development of these program suggestions. They spent a significant amount of their professional and personal time in formulating ideas and practices for these program suggestions.

This committee represented a broad spectrum of individuals committed to the development of a document to assist school districts in providing programs and services for limited English proficient students in need of special education.

We are proud of the statewide leadership exhibited by the committee members in their respective areas of public school special education and bilingual education.

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INTRODUCTION

Special Education programs and services are mandated for all eligible students under the provisions of Public Law 94-142 of 1975, Public Law 99-457 of 1986 and Michigan's Public Act 451 of 1976. Students who are limited English proficient (LEP) may be eligible for bilingual services under Public Act 294 of 1974. The purpose of this document is to outline the appropriate processes and resources necessary for the identification of and the educational planning for LEP students who may be eligible for special education programs and/or services.

It is recommended that limited English proficient students who are experiencing learning problems should not be suspected of being handicapped unless they have been screened by a child study team. This team should consider the social, cognitive and affective ability of the student in relationship to the amount of time the student has been in a school setting. This child study team assessment should include a classroom teacher who is knowledgeable about the student's language and culture.

Consideration for special education programs and services begins with the referral process. A special education referral may be made by any person concerned about the student. Rules 340.1721a(2) and (8) read:

> *(2) The multidisciplinary evaluation team shall complete a diagnostic evaluation, including a recommendation of eligibility, and shall prepare a written report to be presented to the individualized educational planning committee by the appointed multidisciplinary team member. The report shall include information needed to determine eligibility and educational data which identifies the person's current level of educational performance. Information presented to the individualized educational planning committee shall be drawn from a variety of sources, including parent input, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior, and other pertinent information.*
>
> *(8) The parent or legal guardian shall inform the school district of the student's native language when giving consent to evaluate the student. Tests and other evaluation materials shall be provided and shall be administered in the student's native language, unless it is clearly unnecessary to do so. When evaluation in English is not feasible, the public agency shall do all of the following:*

(a) Give first consideration to evaluative personnel who are competent in English and in the native language and culture of the student.

(b) When needing an interpreter, contract with a bilingual/bicultural psychologist trainee, an intern currently enrolled in a professional training program, or a person who is competent in English and in the native language and culture of the student.

Inappropriate referrals and/or misdiagnosis due to misinterpretation of cultural and linguistic diversity undermine a critical criteria of the definition of handicapped students; therefore, the LEP child study team should be utilized when LEP students are having learning problems in school.

When a student is suspected of having a handicapping condition, it is necessary to inform the parents and receive their written permission (informed consent to evaluate) prior to any further action on the case (R 340.1721 and .1723a). Once parental consent is obtained, the student must then be evaluated by a number of professionals referred to as a multidisciplinary evaluation team (MET). The MET evaluates the student, then combines its findings into the written diagnostic report recommending eligibility (R 340.1721a). The written report and recommendations are presented by one (or more) MET members to the individualized educational planning committee (IEPC) which has been formed to determine eligibility and, if appropriate, to develop the individualized education plan (IEP) necessary to meet the specific educational, cultural and linguistic needs of the LEP student.

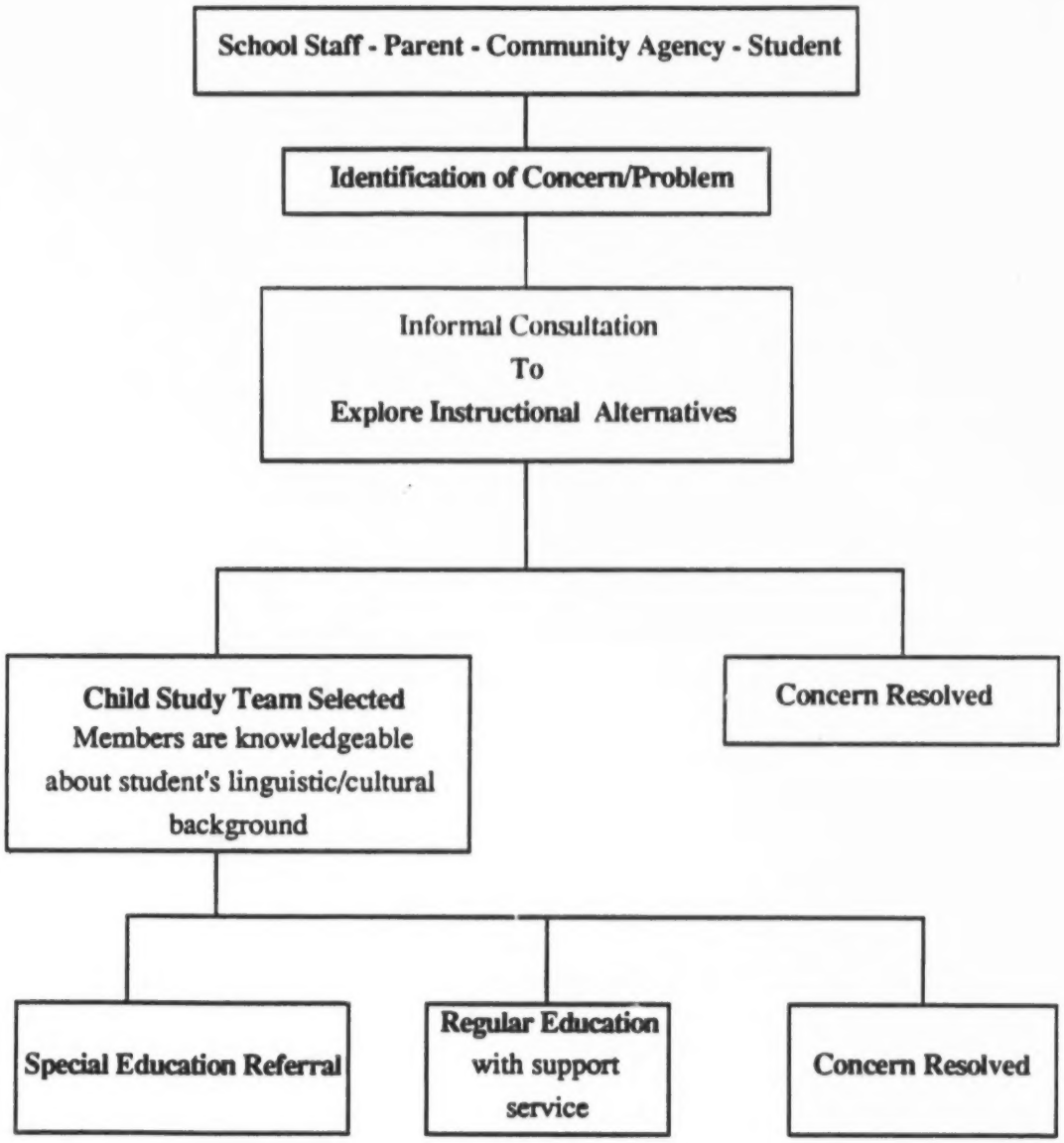
Following the determination of the IEPC, the superintendent (or designee) makes the decision of assignment to the school, programs, and/or services which the IEPC has determined appropriate to meet the educational needs of the student. The IEPC must be convened annually to review and revise the IEP, if necessary. Every three years the special education student must be reevaluated to determine whether he/she is still eligible for special education. The process for LEP students can be summarized in seven steps:

1. LEP child study team consultation;
2. Referral;
3. Evaluation;
4. IEPC Meeting;
5. Delivery of Programs and Services;
6. IEP Annual Review;
7. Three Year Reevaluation.

This document is designed to provide information related to each of the seven steps as they apply particularly to the LEP handicapped student. Specific references to procedures affecting LEP students will be found in boxed areas throughout the document.

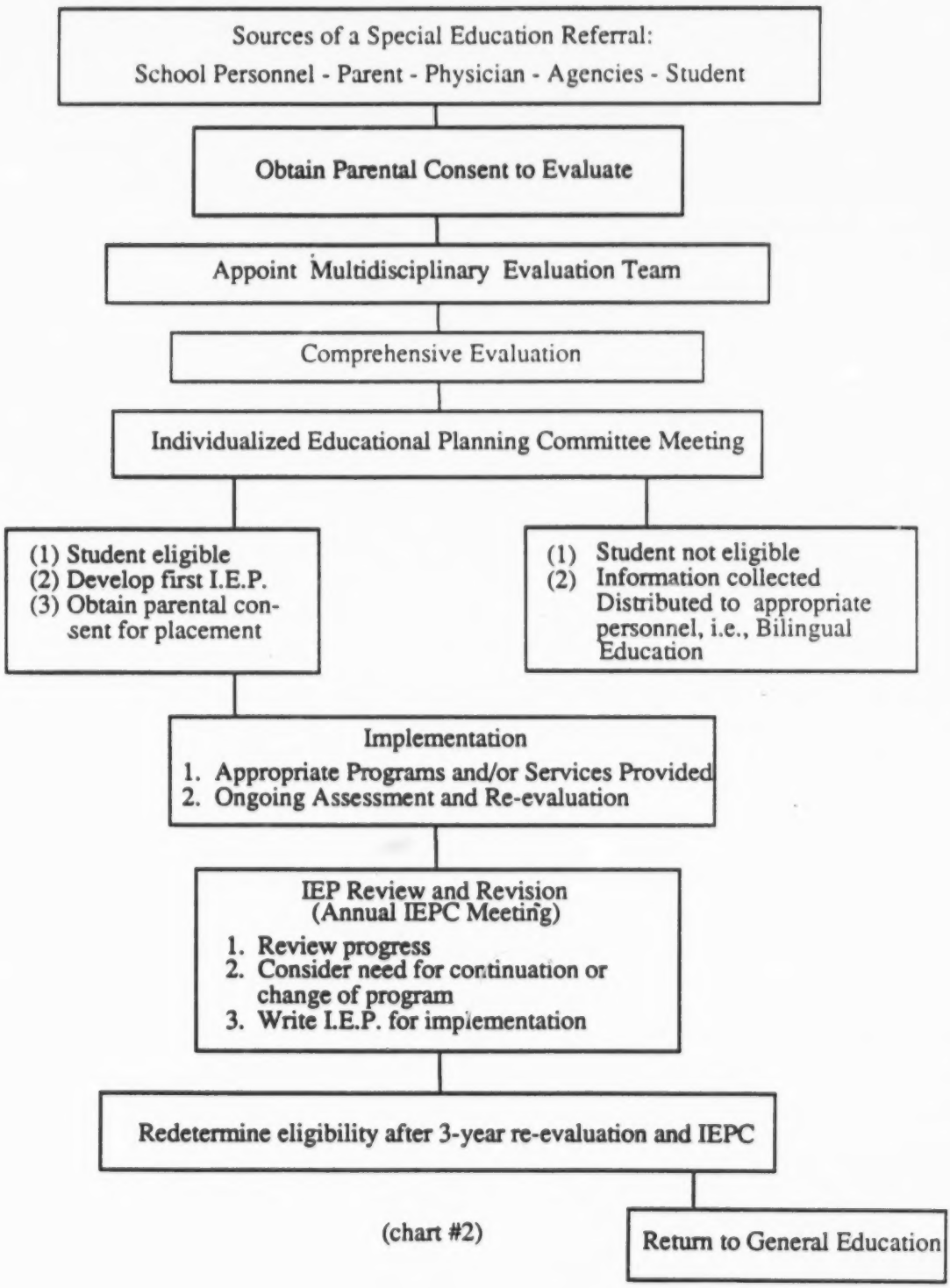
The Michigan State Board of Education is hopeful that these program suggestions will contribute to the continuing provisions of efficient and effective programs for students ages 0-26 who are of limited English proficiency and require special education programs in Michigan.

Limited English Proficient (LEP) Special Education Pre-Referral



(chart #1)

FLOW CHART FOR PROVIDING SPECIAL EDUCATION SERVICES


Sources of a Special Education Referral:
School Personnel - Parent - Physician - Agencies - Student
Obtain Parental Consent to Evaluate
Appoint Multidisciplinary Evaluation Team
Comprehensive Evaluation
Individualized Educational Planning Committee Meeting
(1) Student eligible
(2) Develop first I.E.P.
(3) Obtain parental consent for placement
(1) Student not eligible
(2) Information collected Distributed to appropriate personnel, i.e., Bilingual Education
Implementation
1. Appropriate Programs and/or Services Provided
2. Ongoing Assessment and Re-evaluation
IEP Review and Revision
(Annual IEPC Meeting)
1. Review progress
2. Consider need for continuation or change of program
3. Write I.E.P. for implementation
Redetermine eligibility after 3-year re-evaluation and IEPC
Return to General Education

(chart #2)

PRE-REFERRAL/REFERRAL PROCESS

Pre-referral

Although the special education process does not always include pre-referral consultation, it is important, when there is a concern about LEP students, to include LEP child study team consultation. Inappropriate representation of LEP students in special education programs suggests the need for a LEP child study team process that would help to minimize inappropriate referrals. Educational history, linguistic and cultural data must be compiled in order to rule out second language acquisition problems as the primary reason for referral. For this reason, LEP child study team consultation should occur prior to referral for possible special education placement of LEP students. Special education personnel may be involved in this process by providing pre-referral consultation as stipulated in R 340.1721a(10) of the "Revised Administrative Rules for Special Education." This rule provides that:

> *Special education personnel who are authorized to conduct evaluations of students suspected of being handicapped may provide pre-referral consultation to regular education personnel in accordance with procedures established by the Department.*

The purpose of pre-referral consultation is for special education personnel to assist general education personnel in exploring possible prescribed intervention techniques that may be helpful to the teacher experiencing difficulties with a student. This consultation must be limited to the following:

1. Pre-referral consultation may include a brief observation of the student in his/her general education environment;

2. The purpose of the observation is not to diagnose a handicapping condition but, rather, to provide a basis for insightful pre-referral discussion of possible general education intervention techniques;

3. Pre-referral consultation excludes direct interaction with the student. It is limited to direct interaction with the regular education personnel except as provided in Rule 340.1749a.

As illustrated in chart #1, the pre-referral process follows this sequence: (NOTE: A parent or legal guardian may, at anytime during the LEP child study team process, initiate a special education referral.)

1. Identification of LEP students with developmental, academic or behavioral problems which are unresolved may be broadly divided into two categories:
   (a) LEP students who have had previous academic school experiences; and
   (b) LEP students who have recently enrolled in the school system of Michigan and have had limited or no formal schooling in their native country.

2. Informal consultation with other appropriate personnel for suggestions or materials. Appropriate personnel may include: bilingual/migrant staff, English as a second language (ESL) staff, school counselors, psychologists, and social workers. Those districts which do not have a staff member who speaks the language of the child may need to consult the bilingual human resource directory, contract other local school districts, intermediate school districts, or public/private agencies for such services.

3. If problem/concern continues, the child's name should be submitted to the local administrator for further investigation.

4. Child Study Team is selected by the local administrator or designee. The child study team should be formed within 10 school days and include a selection of appropriate personnel in accordance with the child's cultural and linguistic background. The parent or guardian should be asked to participate in this process and should be informed that further information may be required. A letter or home call in the native language should be made.

5. Responsibilities of Child Study Team include the collection of the following information:

   A. A clear definition of the concern/problem;

   B. Background information including possible causes for the concern/problem (language, culture, and/or environmental factors, psychological adjustment, social or economic conditions, etc.);

C. Language(s) spoken at home;

D. Parent questionnaire or home language survey;

E. The level of language proficiency of the student both in English and his/her native language;

F. Services utilized outside the classroom;

G. Strategies provided to and attempted by the parents outside of school;

H. Strategies attempted or materials used in the classroom;

I. School services sought or used, i.e., bilingual education, remedial reading and/or math, or other related services;

J. The amount of time and extent of services in an academic program for students who have had little or no formal schooling;

K. Other assessment/evaluation needed or completed, i.e., hearing, physical or psychological examinations or achievement tests, etc.

6. Child Study Team's Decision. The local administrator, with members of the child study team may decide to:

A. Terminate the child study team process;
B. Seek more information;
C. Recommend community resource services;
D. Recommend general education or bilingual support services;
E. Generate a special education referral;
F. Develop a written plan of action.

LEP Child Study Team Strategies

The following activities should be undertaken in a regular education setting and documented prior to referral for special education services: (a) participation in academic readiness type programs specifically designed for students who have had little or no formal schooling for the purpose of enhancing their transition into the "culture of the school"; (b) intensive ESL instruction; (c) educationally related support services provided by qualified bilingual/bicultural personnel; and (d) speech and language improvement services in the native language of the student (must be regular education staff). These language improvement services are needed when impairments are determined not to adversely affect the

student's educational performance but do present a barrier to communication in the native language. The extent of the provision of the aforementioned strategies shall be documented when an initial referral is made by a school staff member.

SPECIAL EDUCATION REFERRAL PROCESS

1. Special Education Referral form is to be completed at the final LEP child study team meeting if the concern/problem has not been resolved and the suspicion of an impairment remains. Parent/Guardian/Adult shall inform the school district of the student's native language when giving consent to evaluate (R340.1721a).

2. The Administrative Representative and the case coordinator is responsible for appointing the members of the Multidisciplinary Evaluation Team (MET).

> If the student has limited English speaking ability, a bilingual staff member should be a member of the MET.

3. The Case Coordinator arranges for completion of referral, explanation of referrals to parents and facilitates scheduling and inter-group communication.

4. The special education administrator or designee is responsible for contacting the parent and explaining the reason for referral. Included within this explanation is information regarding parents' rights, delivery of the parent handbook, information on evaluation timelines and what can be expected of the members of the MET.

> If the parents' primary language is other than English, a bilingual assistant, **must** work with the special education administrative representative in communicating with the parents. At this time, written permission to evaluate is obtained. If possible, provide the parents with written translations of the due process procedures in their native language. All of the above information will be communicated to the parent in his/her native language.

5. Notice of referral and other appropriate information is sent to the following by the special education administrative representative:

   A. Parent;

   B. Local school (if applicable) to be placed in student's file;

   C. Each member of the MET team including the bilingual staff member;

   D. Other (see local school district's policy on records and confidentiality).

6. MET members receive Special Education Referral form. The school district has 30 school days from the date of receipt of parent's signature to complete the evaluation and present a written MET report to the individualized educational planning committee (IEPC). If the student is eligible, an IEP must be written. This, too, must be accomplished within the 30 school days. An extension period may be requested for extenuating circumstances, i.e., additional medical information is needed, child has been absent, or evaluation could not be completed. A time extension may be agreed to by the public agency and the parent. A copy of the request shall be sent by the superintendent or parent, as the case may be, to the other party, and the state board's response shall be directed to both the superintendent and the parent (R 340.1722f).

EVALUATION

Cautions and Suggestions

The evaluation process, required for determination of a handicapping condition, has been an area of concern when dealing with students who are limited English proficient (LEP). There is no single battery of tests or one best method of assessment. Educators must be informed of the limitations of normed test instruments and reasonable alternatives must be sought or designed.

Language and cultural influences must be addressed in each individual evaluation. Persons who are sensitive to the issues will be careful not to have LEP students over-represented in special education classrooms because of inadequate testing methods and instruments, nor under-represented due to avoidance of the issues. By developing a thorough, sensitive and holistic approach to assessment, the best educational program can be developed for each student.

Frequently, diagnostic personnel request a comprehensive listing of assessment instruments which can be used with LEP students. This is not a realistic approach. Each student has a significant degree of difference in background experiences, language and culture. For these reasons, assessments must be tailored to the individual student's needs.

The following issues are among those of importance when considering evaluation of LEP students who are suspected of being handicapped:

1. Language proficiency and dominancy;
2. Influences of culture;
3. Utilizing translators/interpreters;
4. Determining ability levels;
5. Assessing academic functioning in both languages;
6. Assessing affective and behavioral components;
7. Special education eligibility recommendation.

Language Proficiency and Dominance

In order to utilize effective instruments for testing, one must first establish which language(s) is/are most dominant and how proficient the student is in each of the languages. Research indicates that most language assessment instruments used to make decisions about language dominance and proficiency measure the student's performance of basic interpersonal communication skills (BICS). Moreover, students are judged primarily on the basis of whether their utterances are grammatically correct. Performance on these tests is not predictive of academic achievement. Many language minority students possess BICS, but experience academic difficulty because they lack cognitive academic language proficiency (CALP), the literacy-related aspect of language. If a student is being considered for possible special education eligibility, it is essential that CALP skills be assessed in the native language and in English in order to avoid the assumption that achievement difficulties are due to a learning disability instead of being related to language proficiency.

Frequently, norm-referenced tests are not standardized on a population compatible with the student's culture and language backgrounds. When using a standardized instrument to assess language proficiency and dominance, it must be examined to determine the norming population and must be used/interpreted accordingly. It is necessary to supplement standardized tests with informal procedures such as structured interviews and criterion-referenced assessment. In order to perform a thorough assessment, the assessor must be qualified and experienced in evaluating language proficiency and dominance for the languages in question. The bilingual teacher or the English as a second language (ESL) teacher most frequently administers these tests.

> It is important to provide reasonable documentation describing the student's language ability and skill level in each academic area so that a rationale can be provided as to which test should be administered in which language. In all cases where a LEP student is evaluated, it is recommended that a bilingual speech and language pathologist be part of the MET team. A speech pathologist can be very helpful in determining skill levels of syntax, grammar and phonology as well as diagnosing possible developmental delays.

Determination of the Influences of Cultural Differences

Since culture significantly affects a student's behavior and academic growth, it must be addressed in the evaluation process. Cultural factors influence all areas being assessed and can significantly contribute to or suppress a child's rate of learning. The assessment of intelligence, academic skills and behavioral characteristics must include the influences made by the child's culture. Those members of the MET team who are responsible for this assessment may include the social worker, psychologist, teacher, teacher consultant and other related professionals.

An accurate assessment of a LEP student is possible when the person evaluating is bilingual and knowledgeable of specific cultural norms and expectations. Frequently, a bilingual staff member will be called upon to assist in evaluations. Assessment can be conducted through home visits, observations in various settings and interviews with the student. In some cases, it may be necessary to include clan leaders, family elders or extended family members. The key to determining cultural influences, is to observe the behavior of the student in more than just the school environment.

In addition to the influence of the student's cultural values, many LEP students come from lower socio-economic families. The life experiences of children from these families are not the same as those of middle class children, thus, it is not appropriate to compare these students to middle class standards. Evaluations must take into account the influences of socio-economic factors along with language and the family's national origin.

Even when the student is being assessed in the native language, the level and context of his or her language proficiency may not match the language being used in the test. The language abilities of an individual can easily be overestimated. In order to avoid the overestimation, oral language proficiency must be contrasted with the overall language proficiency needed to succeed in cognitive and academic tasks. The tasks included in many standardized tests tend to be content-reduced and cognitively demanding.

Utilizing Translators/Interpreters

When evaluating a LEP student, assessment should be carried out in a way that the student is able to demonstrate levels of proficiency in both languages otherwise it will not be possible to assist the IEPC in determining if the student is handicapped and/or has a language deficiency. The following list of testing situations are presented from the most desirable (1) to the least desirable (3):

1. A primary evaluator who is bilingual in English and the student's primary language and who is sensitive to specific cultural influences.

2. A primary evaluator who works with someone who is bilingual in the language of the student and English and who is trained in the important aspects of evaluation.

3. A primary evaluator who works with someone who is bilingual in the language of the student and English but not trained in important aspects of evaluation.

In many cases, the use of translators/interpreters will be necessary to evaluate students because primary diagnostic personnel are not of the same language or culture as the student. The following characteristics are essential for the translator/interpreter:

1. Someone who is comfortable with children;

2. Someone who is of the same language and sensitive to the dialect of the student;

3. Someone who is of the same culture and/or sensitive to the student's culture;

4. Someone who is able to provide appropriate translation of text;

5. Someone who is trained in understanding the importance of standardization and who will not provide test feedback such as body language or clues to responses;

6. Someone who understands how to get the student's best response;

7. Someone who is an equal and contributing member of the MET;

8. Someone who relays cultural factors before and after seeing the student's family;

9. Someone who can maintain confidentiality and is capable of informing other team members of behavior appropriate for home visits, student contact, etc.

A school district preparing to invest time and funds in training a translator/interpreter should take care to select someone who is available during school hours and who is committed to being available for at least the school year. This person should not be related to any of the students involved. In some cultures, it may be important to have an interpreter of the same sex as that of the student being evaluated. Resources for finding translators/ interpreters include universities or other institutions of higher education, community leaders, ethnic clubs, churches, Red Cross or refugee centers.

Special education is ultimately responsible for the recruitment and training of the translators/interpreters. In districts where bilingual staff is available, outside recruitment may not be necessary.

Determining Ability Level

When evaluating LEP students who are suspected of being eligible for special education, the student's cognitive ability level must be determined. The assessment must be multifaceted and include qualified bilingual personnel. In addition, documentation must be made as to which areas were assessed in which language.

Standardized tests should not be used as a single measurement. Clinical judgment coupled with objective data must support the final decision. Data should be gathered and then compared with other sources such as parent interviews, student interviews, evaluations which address strengths and weaknesses, adaptive behavior, and medical information before a final evaluation report is written.

In many cases, it may benefit the student not to utilize standardized intelligence scores. Since so much weight is placed on the value of these numbers, the scores received by a LEP student may bias expectations of the student in the future. It may be sufficient to look at all individual subtests within the intelligence test including verbal, performance and adaptive behavior along with performance in other areas to establish that the student has normal intellectual ability or significant deficiencies. Special education evaluators should develop, through necessity, the ability to adapt and extract from existing materials the information that would provide an accurate evaluation.

Assessing Academic Functioning Levels of the Student in Both Languages

When testing achievement levels, standardized tests should not be the sole indicator of performance. The addition of supplementary methods will provide a more realistic estimate of the student's level of functioning. Criterion-referenced tests, work samples, observations of the student's daily performance, teacher checklists and diagnostic prescriptive lessons using non-language or non-culturally biased concepts, as well as non-verbal assessment material, will help to determine the student's level of educational performance. The teacher consultant, school psychologist, regular education teachers, bilingual, and other school personnel can all assist in determining the student's academic skill level. Care must be taken to allow the student to exhibit his/her level of academic functioning in both English and in the native language. This language assessment should follow these steps:

1. The student's development in both languages should be assessed and current levels of proficiency in different skill areas should be established. Such language assessment should include data in language proficiency that is related to basic interpersonal communication skills (BICS) and to cognitive academic language proficiency (CALP) necessary for academic achievement.

2. Language observations should include language in natural communication settings in various contexts, including the verbal and non-verbal strategies between the parent/guardian and the child.

3. The assessment of language development should include the following components, in both the native language and in English: pre-language requisites; receptive language abilities; expressive language abilities; communication competence (pragmatics) and functional language usage; and language used for academic tasks.

4. Proficiency in different contexts should be documented.

5. Language and phonological assessment should take into consideration the difference between the sound and grammatical system of English and the student's native language. Some variations should not be considered speech or language disorders.

6. In assessing the student's abilities in both languages, the dialect and/or language used by the community should be used as the norm with consideration given to phonemic, semantic and syntatic variations within each dialect. The age of the student when the second language was introduced, and the manner in which it was introduced should also be considered.

7. The language assessment of the LEP student is crucial. Language data is essential to distinguishing characteristics associated with the normal second language acquisition process and those associated with a specific language disorder.

8. If a language disability or a disorder of voice, fluency, or articulation is suspected, it should be evidenced in the native language of the student. In such a case, a comprehensive speech and language assessment in the native language, as well as in English, may be required.

9. For students who exhibit severe language delays, it may not be feasible to obtain levels of English and native language proficiency through the discussed assessment procedures. For such students, the home language should be used as the sole criteria to determine the need for a bilingual assessment.

10. Special consideration should be given to the assessment of non-verbal, non-English-background students. Such consideration may include non-verbal communication systems during the bilingual assessment process.

Assessing Affective and Behavioral Components Related to the Suspected Handicap

It is necessary to assess cultural factors and their influences on behavior. Parent, sibling, teacher and/or student interviews, checklists and observation of the student in the classroom and home provide an understanding of factors that influence the student's behavior. All personnel involved in the assessment process should consider the following influences within the linguistic and cultural framework of the student:

1. Peer dynamics within the cultural group;

2. Amount of group participation when using the native language and when using English;

3. Student-teacher interactions;

4. Student's learning style and approach to learning;

5. Student's level of acculturation and use of behavioral roles and rules associated with language and culture.

Special Education Eligibility Recommendation

Gathering and reviewing diagnostic information for the MET recommendation is an extremely important process for the LEP student. In most cases, the LEP student has more professionals on the MET than does his/her English speaking counterpart. When all MET members have completed their assessments, it is suggested that they meet to share findings and make an eligibility recommendation. If a MET meeting is held, it is important to:

1. Discuss all information gathered including the role of cultural and/or linguistic factors;

2. Share confidential information and knowledge with other team members for the benefit of the student.

3. Be willing to seek assistance from other team members;

4. Admit the limitations of one's own discipline;

5. Avoid being influenced by the personality or power of individual team members.

It is the function of the MET to assess the educational performance of a student and provide documentation to support these findings. The assessment team should be satisfied that intervention strategies, native language instruction, academic development, and intensive ESL instruction within the regular education system have not been sufficient to serve the student's needs.

Special Education Eligibility and Assignment

An individualized educational planning committee (IEPC) must meet to consider the eligibility recommendation of the MET and, if the student is eligible for special education, to plan an appropriate program for the student.

Required IEPC members include:

1. A representative of the district qualified to provide or supervise special education services;

2. The student's regular education teacher;

3. A member of the MET;

4. A translator/interpreter, or bilingual staff member, when requested;

5. Parents (elders or clan leaders may be invited by the parent or school district).

After reviewing the recommendations and documentation presented by the MET, the IEPC members must determine the LEP student's eligibility for special education programs and services.

If it is determined that a student is ineligible for special education programs and services, the MET information should be shared with the regular/bilingual education staff to assist in programming.

If the IEPC determines that a student is eligible for special education services, programs and/or services must be determined by the IEPC with goals and objectives formulated and written. The IEP for LEP handicapped students should address the issue of language

instruction and may be carried out in any of the following ways, otherwise the most effective programming may be jeopardized:

1. Statement of the present level of performance in the native language and in English;

2. The extent of instruction in subject/cognitive areas in the native language or in English;

3. The extent to which reinforcement will be given in the student's native language;

4. The extent to which English as a second language (ESL) instruction will be involved in the student's school program;

5. The language of instruction for each particular goal;

6. Specification of services to meet the linguistic and cultural needs of the student;

7. Specification of language intervention strategies in the native language and in English;

8. Appropriate objective criteria and evaluation procedures consistent with the student's linguistic abilities in the first and second language.

The first time a handicapped student is being provided special education, ancillary or other related services, the parent shall have seven days after receipt of the notice from the superintendent to provide the agency with written consent to provide special education programs and services (R 340.22a(3)).

The interpreter/translator is an essential member of the IEPC for a LEP special education student. It is important that the parents understand the special education process and the meaning of the handicapping condition of their child. The interpreter/translator must provide this information to the parents in their primary language using terms that they understand. All factors must be weighed in order to recommend a school program which will be in the best interest of the student.

Special Education Rules and Regulations

All members of the MET and the IEPC should be thoroughly familiar with the special education rules and regulations which relate to evaluation, placement, and due process. A parent's preferred language of communication must be verified by the MET coordinator upon receipt of the referral. All oral and written communication with the parents must be translated into the preferred language and must follow the same timelines.

CONTINUUM OF SERVICES

The education of limited English proficient (LEP) special education students is the responsibility of each local education agency. Specific categorical impairments, as well as linguistic and cultural considerations, require that the expertise and resources (human and financial) of both special education and bilingual and/or ESL programs be coordinated. This coordination can be accomplished through direct operations, or, where bilingual programs do not operate in a school district, through contractual agreement with an adjacent district, an intermediate school district, or statewide resource personnel. The continuum of program services should reflect the school district's needs through the meshing of educational programs to provide the most appropriate educational environment for students.

The cultural, social, linguistic and cognitive needs of the LEP special education student, as outlined in the IEP, must be addressed in any program design or implementation plan. Materials, curriculum content and teaching strategies developed or selected for use with the LEP special education student should address the following, otherwise the most effective program may be jeopardized:

1. Language of instruction, based upon:

   A. Language dominance or preference;

   B. Parental acceptance of IEPC recommendation for language of instruction.

2. Cultural considerations including:

   A. History, heritage, values, life styles and traditions;

   B. Contemporary culture(s) of the student.

3. Level of student involvement: time on task

   Students make the most significant learning gains when they receive a great deal of focused instruction from and interaction with the teacher.

4. Teacher expectations of student achievement

   When teachers have positive expectations of student achievement, they provide increased quality of educational opportunity. This, in turn, enhances the student's opportunity for self-actualization.

5. Compatability of teaching and learning styles

   Teachers must be aware of the effect on student learning of their teaching style. Students from different cultural backgrounds demonstrate different learning styles that must be accounted for by the teacher.

Teacher Competencies

The provision of appropriate LEP special education services will depend upon the qualifications of the staff involved. Specific competencies appropriate for teachers and aides working with LEP special education students should include:

1. Language Competencies. The teacher or aide should, at a minimum, be able to understand, speak, read and write the native language of the student. This allows for some native language teaching if at least one staff person holds such competency. It also allows for open communication with the parents.

2. Linguistic Skills. At a minimum, teachers or aides should understand the theory and process of first and second language acquisition. They should understand characteristics of languages and be able to accommodate inter-language interference and transfer.

3. Assessment. Teachers should be able to administer a variety of language dominance and proficiency tests, conduct nondiscriminatory diagnostic assessments, consider social/environmental conditions, and construct and use criterion-referenced tests.

4. Instruction-Related Skills. Teachers should be skilled in preparing individualized education plans specific to the particular needs of these students, adapt existing curricula and select new appropriate curricula, revise, construct and assess materials as to their appropriateness for use with the different cultural and linguistic groups.

5. Cultural Understanding. Teachers and aides should be able to establish rapport with students of different cultural backgrounds, understand the process of acculturation and assimilation, as well as the cultural significance of various handicapping conditions. Also, they should be able to work with community groups and identify community resources. Understanding the history and culture of the student as well as the relationship between language and culture would also be helpful.

6. Parental involvement. At a minimum, teachers and aides should understand the importance of parental involvement. They should understand cultural child rearing practices and be aware of any cultural differences between the school and the home that might influence educational performance. They should also be able to counsel parents on various aspects of the child's handicapping condition(s).

Staff Selection

Instructional personnel employed to participate in a special education program for LEP students should have certification in both bilingual education and special education. If persons with these qualifications are not available, the following considerations should be used when choosing alternate personnel:

1. Knowledge of ESL teaching methods;

2. Knowledge of the structure of both languages of instruction;

3. Knowledge of handicapping conditions and appropriate methods of instructing such students;

4. Willingness to participate in this type of program.

Staff Development

The following list provides suggestions for inservice to sensitize teaching staff to the unique needs of the LEP special education student:

1. Development of an IEP specifically for the LEP student;

2. Inservice for special education staff regarding bilingual law and bilingual and ESL teaching techniques;

3. Inservice for bilingual/ESL staff regarding special education law and methods;

4. Inservices in linguistics and second language acquisition;

5. Inservice in reading instruction in both languages;

6. Adaptation and creation of instructional materials suitable for LEP handicapped students.

7. Study of the cultures of the local school community.

Program Options

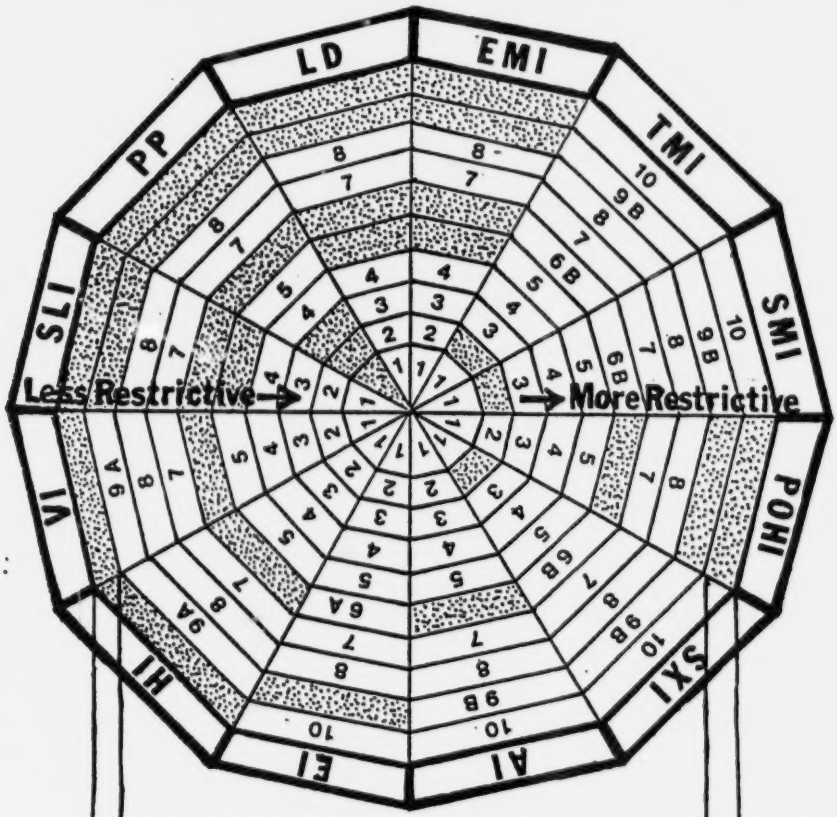
Special education placement for the LEP handicapped student must incorporate the most appropriate language of instruction into the educational placement decision. In addition to meeting the conditions of least restrictive environment (LRE), Rule 340.1722 program alternatives for these students must include consideration of the following two critical concepts:

1. The most severely handicapped LEP students may be placed furthest from the general LEP programs. Students with mild to moderate impairments may be appropriately placed in part-time or full-time bilingual programs.

2. The goal of these educational programs should be to return the LEP handicapped student to the general education classroom, on a full or part-time basis as soon as possible, where appropriate and feasible.

The following diagrams show program options for LEP special education students within special alternatives. The first diagram shows the continuum of special education classroom programs. The second diagram depicts an overlay of LEP special education programs appropriate for any handicapping condition depicted in the first diagram.

Special Education Continuum for Classroom Programs



K-12 Special Education Continuum (LEA/ISD)

State Continuum for Special Education Programs

1. Regular Education Program with Ancillary and Other Related Services
2. Resource Room Program
3. Categorical Program with Departmentalization in Regular Education Facility
4. Categorical Programs in Regular Education Facility (available to all impairment areas)
5. Categorical Program in Separate Facilities

6A. Joint Day Treatment/Education Program
6B. Joint Work Activity Center/Education Program
7. Homebound (available to all impairment areas)
8. Hospitalized (available to all impairment areas)

9A. State School Programs (MSB/MSD)
9B. Segregated D.D. Facility Programs

10. Residential Programs within State Facilities (operated by a State Agency)

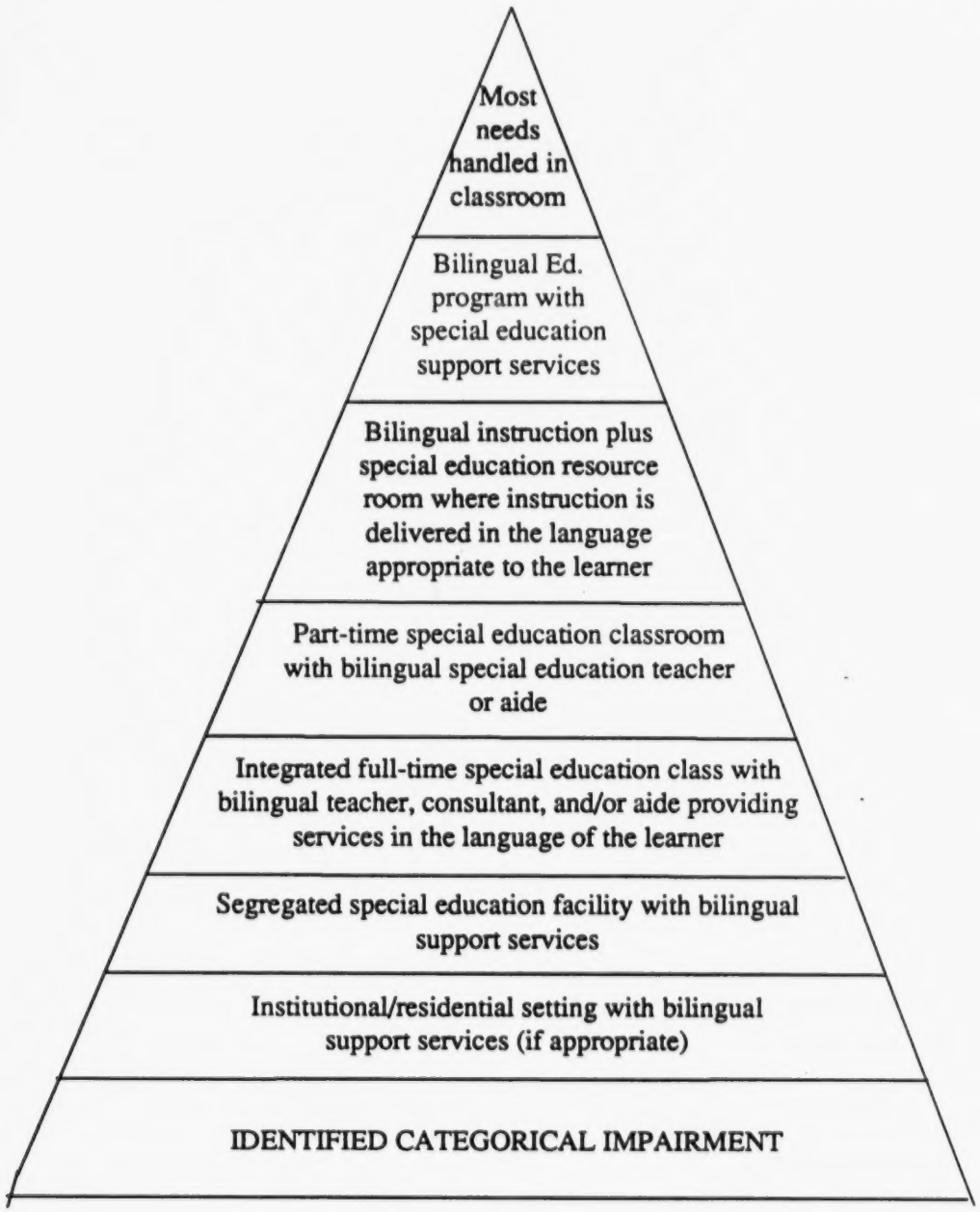
Note: Classroom programs for the autistic impaired shall be provided pursuant to Rule 340.1758.

Required Program

The preceding "Special Education Continuum for Classroom Programs" chart represents a continuum of program alternatives by categorical impairment. The hub, or center, of this circled chart is represented by "general" education with ancillary and other related service(s), and is viewed as the least restrict environment. Each progressive outward ring represents more restrictive educational environments as traditionally viewed. Programs that must be available are represented by a small circle around the corresponding number within each categorical area. All other programs are optional education settings.

While it is the intent of this chart to add consistency, it is acknowledged that all placement decisions are made through the IEPC process and based on the individual needs of each student. Ancillary and other related services are available to all special education eligible students through the IEPC process when the need has been determined.

LEP SPECIAL EDUCATION PLACEMENT OVERLAY


Most needs handled in classroom
Bilingual Ed. program with special education support services
Bilingual instruction plus special education resource room where instruction is delivered in the language appropriate to the learner
Part-time special education classroom with bilingual special education teacher or aide
Integrated full-time special education class with bilingual teacher, consultant, and/or aide providing services in the language of the learner
Segregated special education facility with bilingual support services
Institutional/residential setting with bilingual support services (if appropriate)
IDENTIFIED CATEGORICAL IMPAIRMENT

Adapted from Reynolds and Birch, 1982

Implementation

Every school district is unique and must plan its own individual program to meet the needs of its LEP special education students. This plan must reflect the following goals:

1. Identification of students who may be handicapped;

2. Evaluation of student's performance using non-biased and culturally appropriate materials and procedures.

3. Placement of identified students into special programs where the educational services satisfy their linguistic and cultural needs.

4. Inclusion of related services, appropriately delivered.

The organized process of implementing such services includes the following:

1. Comprehensive services with various alternatives for serving LEP students;

2. Use of existing services for LEP students wherever possible;

3. Appropriate educational services assured to the LEP special education student. In situations where bilingual programs are not mandated, due to a limited student population (refer to P.A. 294), then appropriate bilingual services should be made available through contractual arrangements with an ISD, or an adjacent school district;

4. Parent and community involvement in planning and evaluating the program structure and effectiveness;

5. Qualified staff who will provide appropriate instruction;

6. Exit criteria which comply with both P.L. 94-142/P.A. 451 (Special Education) and P.A. 294 (Bilingual Education).

Curriculum and instruction for LEP special education students should reflect the following:

1. A commitment to cultural pluralism and an understanding of cultural differences. This enhances a student's positive self-concept which is conducive to optimum learning and self-actualization.

2. A future-focused image fostered by the development of autonomy and self-actualization of each LEP special education student. Through this type of approach, a child can understand that success is possible and goals are within reach.

3. Enrichment and inclusion of the artistic, cultural and historical contributions of different ethnic groups facilitated by continuous interaction by and with members of the community.

Service Delivery Options

On the following page, there are three models of alternative special education service delivery appropriate for LEP students. The options illustrated range from minimum services to comprehensive services. For each category, there are different coordination requirements: two require constant feedback among the principal instructors; and one is self-sustaining. All three models allow for the integration of specialized curriculum materials in the primary language of the student while he/she is learning English. These models also provide for mainstreaming into bilingual or monolingual general education programs when appropriate. Each basic model can be adapted to include instructional services to supplement the core program, i.e., speech and language services, adaptive physical education, etc. These services can be provided to the child in his primary language or in English as recommended by the IEP (Ambert and Dew, 1983).

SERVICE DELIVERY MODELS FOR LEP/HANDICAPPED STUDENTS

BILINGUAL SUPPORT MODEL

Special Education Teacher (Monolingual)

Sequenced L_2 Instruction (ESL)
- —Oral language (receptive expressive)
- —Reading (word attack, comprehension)
- —Spelling/Writing (based on oral language)

Math Instruction in L_2
- —Based on concrete experience
- —Building language & cognitive development together

Other IEP Objectives (self-help, vocational, gross/fine motor, visual/auditory perception)

Assistant (Bilingual)

L_1 support to any of the above

COORDINATED SERVICES MODEL

SPECIAL EDUCATION TEACHER (Monolingual)	BILINGUAL CLASSROOM TEACHER
Sequenced L_2 instruction (ESL)	Sequences L_1 Instruction
Design Intervention Program (content & sequence)	—Oral language, reading, spelling and writing in primary language
—Ameliorate specific learning problems	Math Instruction in L_1
Implementing IEP Objectives to be accomplished in L_2	Other IEP Objectives specified for L_1

INTEGRATED BILINGUAL SPECIAL EDUCATION MODEL

Bilingual Special Education Teacher
Comprehensive Language Development Program

L_1	L_2
Oral Language	Oral Language
Reading	Reading
Spelling/Writing	Spelling/Writing

ANNUAL REVIEW AND THREE-YEAR REEVALUATION

Annual Review

Prior to conducting the annual review, a letter or other communication will be sent to the parents in their preferred language notifying them of the purpose of the meeting and requesting their presence. All annual review proceedings must be made understandable to the parents. For all students receiving special education services, the teacher must be in attendance at the meeting. If the bilingual professional is not available, a translator/ interpreter must attend the meeting if the parents' preferred language is other than English. The IEP of each LEP handicapped student should include the following information for the annual review:

1. Updated language proficiency test results in the native language and in English. These should include both social and academic language skills;

2. Current levels of performance as measured in accordance with the student's level of language proficiency;

3. A statement of the language in instruction that is being used for IEP goals and objectives.

Three-Year Reevaluation

The three-year reevaluation is a comprehensive reevaluation of a student with a handicapping condition. The same guidelines apply with the LEP student's assessment as they did during the initial evaluation.

The purpose of the three-year reevaluation for the LEP student is the same as for the monolingual student: to reestablish eligibility; to update the LEP student's present levels of educational performance (including performance in both languages); and to analyze/ document the student's instructional needs.

INSTRUCTIONAL TECHNIQUES

Limited English Proficient handicapped students bring a challenging cultural and linguistic dimension to classroom instruction. When a student possesses varying degrees of English proficiency along with different cultural norms and values, specific instructional planning may be complex. Therefore, during the development of the IEP the following areas should be addressed.

Language Instruction

The student should receive instruction in his/her native language in order to develop communication and social skills while at the same time learning English. The IEP may determine to what degree the native language will be used in the special education program. English as a second language (ESL) instruction should be considered as part of every IEP for the LEP special education student. Such instruction should include oral language development, reading, writing and spelling. The development of proficiency in English may also be included as a goal for instruction for the LEP special education student. This instruction may be delivered in any of four ways:

1. Content instruction in English when enough vocabulary is known to grasp the concept;

2. Instruction in both languages in order to develop cognitive skills bilingually;

3. Instruction in the language other than English making the transition to English as the student is able;

4. Instruction in survival skills and proceed with ESL instruction. (This may occur in a school district where no one can be found who speaks the child's language.)

Content Area Instruction

Language dominance is/can be situation specific. In order to develop cognitive and social skills while learning English, the LEP special education student will require content area instruction in his/her native language. It is not easy to learn a language and at the same time learn new material through the language. Within the classroom, the language used must be tailored to the student's level of linguistic proficiency. Organizing the classroom to promote meaningful interactions, along with predictable ways in which students can grasp meaning, will enable them to gain more from the learning process.

Cultural Pluralism

The curriculum chosen for the LEP special education student should reflect the language, heritage, values, and learning styles familiar to the student. Equal value and importance should be placed on all cultural backgrounds. Cultural pluralism is not necessarily a subject area taught separately or explicitly, but rather an appreciation of diversity that should permeate the educational environment.

Guidelines for Instruction

The language of instruction must be determined by the IEPC. In order to make an appropriate decision on this matter, the following should be considered:

1. Student's age;
2. Student's language preference;
3. Student's language dominance and proficiency;
4. Motivation of the student;
5. Previous language experience;
6. Parent preference or request.

Language Arts Instruction

Since language arts in a bilingual learning center may involve receptive and expressive skills in two languages, the annual instructional goals chosen for the student in this area should reflect the following:

1. Oral language. The student's comprehension generally precedes production in the language process. Students will need many chances to practice understanding and speaking while learning English.
2. Reading. The student should begin reading in his/her dominant language. For the LEP special education student, reading instruction must be part of the total learning of language, a systematic reinforcement and extension of the student's experience with oral language (Kreidler, 1979).
3. Writing. The student should be taught writing along with reading in a parallel fashion.

Social Studies and Science

These are areas in which the LEP special education student may be mainstreamed. The special education teacher should meet with the regular classroom teacher to discuss modifications of curriculum so that the LEP student can most effectively profit from the instructional programs in these areas.

> It is within these two content areas that situation specific language dominance is likely to occur. Care must be taken to determine language dominance in these areas and specify language of instruction as determined by the IEP.

Mathematics

The LEP special education student will need concrete examples and instruction in both languages in order to receive maximum benefit from the instruction in math.

Humanities

Arts, crafts, music, dance, and literature lend themselves to involvement of the community's various cultural groups. Every effort should be made to foster community involvement in this area.

FUNDING SOURCES FOR LEP SPECIAL EDUCATION PROGRAMS

The role and responsibility of school districts providing bilingual and special education programs and services for the LEP handicapped student is one of collaboration and joint planning. When it is determined that a student is of limited English speaking ability under P.A. 294 and also handicapped as described in the Administrative Rules for Special Education, joint educational efforts and funding for the provision of appropriate educational services should be considered.

Special education programs and services are available to students identified as mentally impaired, emotionally impaired, hearing impaired, visually impaired, physically and otherwise health impaired, speech and language impaired, learning disabled, severely multiply impaired, preprimary impaired, and autistically impaired. Services funded by special education include the cost of evaluation in the student's native language and with consideration to the student's culture.

School districts are eligible for funds to provide instruction for LEP students if they meet the following qualifications:

1. The student comes from a home or environment where a language other than English is spoken or the student speaks a language other than English as a first language;

2. The student scores at or below the 40th percentile on either a test of English reading or oral proficiency.

If a local school district enrolls 20 or more LEP students in a given language, the district, by state law, must provide bilingual instruction. Additional funds are available for LEP students who are refugees, immigrants, and/or migrants.

School districts may utilize a portion of their federal special education funds for the LEP special education student population. Districts who employ bilingual teachers, aides, or interpreters in order to provide appropriate instruction for the LEP handicapped population are eligible for reimbursement through both bilingual and special education funding sources.

A unified plan should be developed to provide a coordinated approach for the instruction of the LEP handicapped student. The strategies involved in such planning should be developed and described within the intermediate school district's plan for special education services.

MICHIGAN STATE BOARD OF EDUCATION

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